

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

HATS OFF INVESTMENT GROUP, LLC,

Plaintiff

Case No. 3:23-cv-131

vs.

STATE AUTOMOBILE MUTUAL
INSURANCE COMPANY,

District Judge Michael J. Newman
Magistrate Judge Peter B. Silvain, Jr.

Defendant.

ORDER: (1) GRANTING DEFENDANT'S UNOPPOSED MOTION TO REMAND THIS CASE TO STATE COURT (Doc. No. 6); (2) REMANDING THIS CASE TO THE CIVIL DIVISION OF THE COURT OF COMMON PLEAS, MONTGOMERY COUNTY, OHIO; AND (3) TERMINATING THIS CASE ON THE COURT'S DOCKET

Plaintiff initiated this case in the Civil Division of the Court of Common Pleas, Montgomery County, Ohio. Doc. No. 1 at PageID 1, 4. Defendant removed the case to this Court, asserting diversity jurisdiction under 18 U.S.C. § 1332(a)(1). *Id.*; *see* 28 U.S.C. § 1441(a). Upon the Court's previous *sua sponte* review, the Court ordered Defendant to show cause why this matter should not be remanded to state court for lack of subject matter jurisdiction. Doc. No. 5.

The case is presently before the Court upon Defendant's motion to remand this case to state court. Doc. No. 6. In its motion, Defendant acknowledges, “[T]his Court does not have subject matter jurisdiction and as such requests to remand the matter back to state court.” Doc. No. 6 at PageID 35; *see* Doc. No. 5 at PageID 33–34. To his credit and before filing the motion to remand, Defendant's counsel conferred with Plaintiff's counsel and learned that Plaintiff does not oppose the motion to remand. Doc. No. 6 at PageID 35.

The Court therefore (1) **GRANTS** as unopposed Defendant's motion to remand this case

to state court due to lack of subject matter jurisdiction; (2) **REMANDS** this case to the Civil Division of the Court of Common Pleas, Montgomery County, Ohio; and (3) **TERMINATES** this case on the docket.

IT IS SO ORDERED.

May 25, 2023

s/Michael J. Newman
Hon. Michael J. Newman
United States District Judge